

1 #65909-3-104
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A circular seal of the United States District Court, Northern District of California. The outer ring is black with white text. The top half of the ring reads "UNITED STATES DISTRICT COURT" and the bottom half reads "NORTHERN DISTRICT OF CALIFORNIA". Inside the ring is a red rectangular box with a black double-line border. Inside the box, the text "IT IS SO ORDERED AS MODIFIED" is printed in a serif font, centered. Below this text is a large, stylized blue signature that reads "James Ware". Underneath the signature, the name "Judge James Ware" is printed in a smaller, black, sans-serif font.

8/10/2010

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

SAN JOSE DIVISION

19 The parties have conducted extensive discovery in this case,
20 and such discovery is ongoing. The parties have also repeatedly
21 met and conferred with regard to discovery, through their counsel,
22 including expert discovery. This is a highly complex, multi-party
23 fatal police shooting case.

24 By order issued June 24, 2010, the Court set this matter for
25 jury trial scheduled to commence on December 8, 2010, with jury
26 selection set for December 7, 2010, a Final Pretrial Conference set
27 for November 22, 2010, and associated deadlines. The parties,
28 through their counsel, filed a Stipulation, on July 12, 2010,

1 jointly requesting a setting of a case management conference in
 2 this matter, which the Court denied, without prejudice, by order
 3 dated July 19, 2010, asking the parties to specify the purpose of
 4 the conference.

5 **ALTERNATIVE DISPUTE RESOLUTION**

6 At an early stage during the pendency of this case, the matter
 7 was referred to Alternative Dispute Resolution Administrator Daniel
 8 Bowling, who conducted multiple conference calls with all counsel,
 9 and filed reports with the Court. The parties through their
 10 counsel elected not to hold any formal ADR in this case, and Mr.
 11 Bowling confirmed that by his reports to the Court, most recently
 12 on December 29, 2009.

13 The parties have now agreed to proceed with private mediation
 14 in this case, and, due to availability issues, have not been able
 15 to set a date any earlier than October 1. The parties have
 16 therefore now set an all-day mediation with San Jose attorney
 17 mediator Charlie Hawkins for Friday, October 1, 2010.

18 **REQUEST FOR VACATING OF TRIAL AND RELATED DATES**
AND SETTING OF NEW CASE MANAGEMENT CONFERENCE DATE

19 In order for the parties to meaningfully explore amicable
 20 resolution, through private mediation, the parties hereby request
 21 that the Court vacate the December jury trial date, associated
 22 conferences and deadlines, and set this matter for a case
 23 management conference, for some time after the October 1, 2010
 24 private mediation.

25
 26 Date: July 27, 2010

/s/ - "Karen L. Snell"
 27 KAREN LEIGH SNELL
 28 Attorneys for Plaintiffs,
 ESTATE OF GURMIT SINGH, et al.

1 Date: July 27, 2010

BURTON, SCHMAL & DiBENEDETTO, LLP

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/s/ - "Burleigh Sabin"
BY: BURLEIGH E. SABIN
Attorneys for CITY OF GILROY, POLICE
CHIEF DENISE TURNER, CAPTAIN SCOT
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ORDER

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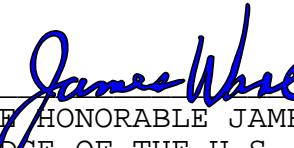
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The December 8, 2010 jury trial date, and associated appearances and deadlines, set forth in this Court's Order of July 19, 2010, are hereby vacated. This matter will now be set for a case management conference to be held on **October 18, 2010 at 10:00 AM**. On or before **October 8, 2010**, the parties shall file a joint case management conference statement updating the Court on their settlement efforts and providing an alternate proposed trial schedule.

IT IS SO ORDERED.

Date: August 10, 2010


THE HONORABLE JAMES WARE,
JUDGE OF THE U.S. DISTRICT COURT.